

## **REMARKS**

This Amendment is submitted in response to the Office Action dated December 29, 2004, having a shortened statutory period set to expire March 29, 2005. Claims 1-11 remain pending.

### **Objections To The Drawings**

The drawings have been objected to under 37 CFR 1.83(a) due to the failure of Figure 3 to depict several enumerated items. Figure 3 has been canceled and Figures 4-7 renumbered accordingly. Additionally, a substitute specification has been submitted herewith reflecting multiple text amendments reflecting said cancellation of Figure 3 and amendments to Figures 4-7. Applicants submit that Figure 3 was originally presented as a prior art depiction of well-known ATM port/blade configurations that are reproduced in the invention embodiment shown in previous Figure 4. No new matter has been added.

### **Claim Rejections Under 35 U.S.C. § 103**

Claims 1 and 6-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,633,543, issued to Storr (hereinafter *Storr*), in view of U.S. Pat. App. No. 2003/0021279, filed by Shobatake (hereinafter *Shobatake*). Applicants respectfully traverse the foregoing rejections for the following reasons.

Applicants' proposed invention is directed to a method for enabling remote surveillance or "snooping" of any given port in an ATM network. The diagnostic function necessarily extends to monitoring for problems resulting from, for example conflicts in the switch fabric occurring between cells for the same switch output port. To this end, the proposed invention requires that all cell traffic into or from a given port be duplicated and marked for transmission to the surveillance node. This limitation is expressly recited by independent claims 1 and 9, namely, "duplicating *all* cells of incoming traffic entering through said entry port" and "marking *all* of said duplicated cells." The final element then requires that the duplicated and marked cells (comprising all cells regardless of membership in a particular virtual path or channel) be transported, along a specified path to said observation point. The independence of the duplicating, marking, and alternate transport from a particular virtual path or channel is emphasized in Applicants' specification on page 16, lines 22-32, and the distinction from conventional multicasting on page 17, lines 13-18. This limitation clearly distinguishes the

proposed invention from multicasting techniques in which, as pointed out on page 14, lines 31-32, "...some cells must be forwarded to several ports..." depending on their membership in a particular virtual path or channel for a multicast session.

In contrast to Applicants' proposed port snooping in which all cells through a given port are duplicated, marked, and transported to an observation node, the cell duplication and transmission disclosed by *Storr* at col. 6, lines 51-53 is clearly conventional multicasting in which cells are replicated for transmission per virtual circuit. Nothing in *Storr* discloses or suggests a port surveillance technique in which all cells, irrespective of membership in a particular channel, are duplicated and transmitted to a traffic observation node. *Shobatake* also fails to disclose any type of port surveillance or snooping in which all cell traffic through a given port is duplicated, marked and transmitted to an observation node. Since neither *Storr* nor *Shobatake*, either individually or in combination, disclose or suggest the foregoing limitation, Applicants submit that the foregoing rejections of claims 1 and 9 should properly be withdrawn and a Notice of Allowance is respectfully requested.

Applicants invite the Examiner to contact the undersigned attorney of record at (512) 343-6116 if such would further or expedite the prosecution of the present application. No extension of time is believed to be required. However, in the event that an extension of time is required, please charge that extension fee and any other required fees to **IBM Corporation Deposit Account Number 50-0563**.

Respectfully submitted



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